

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. 04 11539 JLT

WALTER STICKLE, ANTHONY)
CALIENDO, JOHN PITINGOLO and)
DANIEL FISHER,)
Plaintiffs)
v.)
ARTHUR ORFANOS,)
Defendant)

PLAINTIFFS' PROPOSED PAYMENT PLAN

Now come the plaintiffs in the above-captioned matter and hereby submit this proposed payment plan following the judgment debtor exam held in this matter on January 30, 2007:

1. A judgment debtor exam was held before this Court in this matter on January 30, 2007. During this exam, testimony was obtained from the defendant and debtor, Arthur Orfanos. The Court ordered that the plaintiffs file a proposed payment plan by February 13, 2007.

2. On February 7, 2007, the Plaintiffs filed a Motion to Extend the time to file a proposed payment plan by 60 days, for purposes of taking additional discovery. In the event that such motion is not granted by the Court, the plaintiffs submit this proposed payment plan.

3. Although Mr. Orfanos testified that he is currently unemployed, he did testify that he receives \$512.00 per week as unemployment benefits. Mr. Orfanos further testified that his wife is employed full time as a certified pharmacy technician at Walgreens. According to the testimony, they live in a house owned by Mr. Orfanos' parents, and Mr. Orfanos believes they pay rent in the amount of \$800.00 per month.

4. Mr. Orfanos testified that he was an officer, director and shareholder of Theos and Sons, Inc. Although he claims that he has had no involvement with Theos and Sons, Inc. since 2005, and that he gave away his share of ownership in the business, this information does not appear to be accurate. Mr. Orfanos has performed work for the corporation as recently as July 2006, when he filed the annual report. (See copy of 2006 Annual Report attached as Exhibit A). Further, although Mr. Orfanos claims that there are no records relating to his transfer of the corporate stock as it was an oral transaction, the Articles of Organization of Theos and Sons, Inc. require written notice to be provided to the corporation before any stock is transferred. (See Articles of Organization, attached as Exhibit B). Thus, if this provision has not been complied with, it appears that Mr. Orfanos is still the owner of the stock.

5. Based upon Mr. Orfanos' current income from unemployment benefits, as well as the fact that he apparently is still involved with Theos and Sons, Inc. and owns a portion of that company, a payment plan is warranted. The plaintiffs submit that Mr. Orfanos should be ordered to pay them \$200.00 per month toward the satisfaction of the judgment in this case, until such judgment is satisfied or until the payment plan is revised by application to the Court.

6. The plaintiffs submit that this proposed payment plan is reasonable based upon the circumstances of this matter, the debtor's testimony, and the available evidence.

WHEREFORE, based upon the foregoing, the plaintiffs respectfully request that this Court order Arthur Orfanos to pay the plaintiffs \$200.00 per month, or some other amount within the discretion of the Court, until the judgment in this matter is fully satisfied or until this payment plan is revised by application to the Court.

Respectfully submitted,

CLARK, HUNT & EMBRY

/s/ Michael B. Newman

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the pro se defendant in this matter, Arthur Orfanos, by mail to 54 Egerton Rd., Arlington, MA 02474 this 13th day of February, 2007.

/s/ Michael B. Newman
